

VZCZCXYZ0035
OO RUEHWEB

DE RUEHKT #1373/01 1501216
ZNY CCCCC ZZH
O 301216Z MAY 06
FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1649
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 4411
RUEHLM/AMEMBASSY COLOMBO PRIORITY 4665
RUEHKA/AMEMBASSY DHAKA PRIORITY 9770
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 2649
RUEHLO/AMEMBASSY LONDON PRIORITY 4064
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 9799
RUEHKO/AMEMBASSY TOKYO PRIORITY 0917
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1807
RHEFDIA/DIA WASHDC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 1150
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 001373

SIPDIS

SIPDIS

DEPT FOR SCA/INS

E.O. 12958: DECL: 05/30/2016

TAGS: [PHUM](#) [PGOV](#) [PTER](#) [NP](#)

SUBJECT: GOVERNMENT AND MAOISTS SIGN CODE OF CONDUCT

REF: A. KATHMANDU 1371

[1](#)B. KATHMANDU 1330

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b,d).

Summary

[1](#)1. (C) The Government of Nepal (GON) and the Maoists on May 26 announced a 25-point Code of Conduct governing the cease-fire. There is talk about the United Nations monitoring the cease-fire. In the House of Representatives on May 29, Parliamentarians questioned the Maoist commitment to the Code, stating that Maoist extortion continued unabated in the Kathmandu Valley and across the country. Meanwhile, Chief of Army Staff General Thapa stated that the Nepalese Army (NA) was committed to following the directives of the government. End Summary.

Government and Maoists Agree on Code of Conduct

[1](#)2. (U) On the first day of peace talks held after three years, the government and Maoists on May 26 announced a 25-point Code of Conduct (full text in para 11) governing the cease-fire "to ensure a violence-free environment." Home Minister Krishna Prasad Sitaula and Maoist spokesperson Krishna Bahadur Mahara, heads of the government and the Maoist negotiating teams respectively, signed the Code of Conduct. Out of the 25 points, 17 points coincided with the Code of Conduct fixed in the previous talks in 2003. Both sides agreed to invite credible national and international monitoring teams to oversee the cease-fire and compliance with the Code of Conduct. They also agreed to stop new recruitment for their armies and to refrain from strikes and closures in industries and educational institutions and committed themselves to allow development projects without obstruction. The Code also bans coerced donations and financial assistance. Both sides agreed that neither party would obstruct the other side from holding political rallies, expressing views and carrying out organizational activities in any part of the country. Moreover, the code also forbids individuals appearing in combat uniform or with weapons in

public and political programs. At the end of six hours of negotiations on May 26, both lead negotiators told the media they were meeting again "soon" to settle the rest of the issues required for holding constituent assembly elections, but did not set a date for talks.

Government Focuses on Preamble

13. (C) Sitaula told the Ambassador on May 30 that the main focal point of the Code of Conduct was the preamble, in which the Maoists committed to democratic values and norms. Sitaula said his negotiating team and the Maoist team were discussing monitoring mechanisms, which would include both national and international components. He also stressed the necessity and utility of the Peace Secretariat establishing regional committees. Sitaula also agreed with the Ambassador's suggestion on the need to provide more details to flesh out the Code of Conduct.

Maoists Stress Responsibility to People

14. (C) Krishna Bahadur Mahara, chief Maoist negotiator and Maoist spokesman, told the media on May 26, "we don't want to return to war again." "We want there to be no bloodshed and civil war." Mahara said the Maoists had decided to sit at the negotiating table with a "deep sense of responsibility" toward the people. A member of the Maoist negotiating team, Dina Nath Sharma, told the media that the Maoists were planning to officially propose that the government invite the United Nations to help with (1) cease-fire monitoring, (2) assisting with decommissioning of Maoist arms and demobilization of the Maoist militia prior to constituent assembly elections, and (3) "witnessing" of the ongoing government-Maoist talks. A May 30 front-page article in the English-language daily "The Kathmandu Post" reported that the government planned to send a letter to the UN requesting that it play a role in the peace process along the lines outlined above. The article acknowledged that India had not yet accepted the UN's witnessing the talks. However, Home Secretary Umesh Mainali told us that the government had not

SIPDIS

yet decided to invite the UN to participate in the peace process, but was considering it.

Maoist Extortion And...

15. (U) On May 29, after Home Minister Sitaula read out the 25-point Code of Conduct in Parliament, Members drew the government's attention to the continued extortion by the Maoists, saying the activity was a breach of the Code of Conduct. Ram Chandra Poudel, NC, asked the Home Minister to have serious talks with the Maoists to enforce the Code, because Maoists had not stopped seizing personal property, intimidating people, and extorting. Other Parliamentarians said that both the government and the Maoists should help create a terror-free environment in order for constituent assembly elections to be held after the dialogue. Bharat Mohan Adhikari, CPN-UML, suggested that national and international bodies should be formed for monitoring the cease-fire.

...Armed Meetings Continue

16. (U) Armed Maoist cadre dressed in military combat outfits marched and exhibited their weapons in the eastern terai Sunsari District on May 29 to express their dissatisfaction with the Code of Conduct. "Armed Maoists have been living and moving in and around Sunsari for the past three days," a local teacher told the media. The media reported that 500 members of the Peoples' Liberation Army gathered with their weapons at the Sunsari mass meeting. There were also reports of armed Maoists dressed in combat uniform attending the Maoist-organized rally in Jhanakpur, Dhanusa District.

Parties Focus on Implementation

17. (C) Political party members focused on the central issue of implementing the Code. Anil Jha, Joint Secretary of the Nepal Sadbhavana Party-Anandi Devi, told Emboff that it was very difficult to implement the Code, but said there was no alternative but to try. Kashi Nath Adhikari, CPN-UML Central Committee Member, stated that the code itself was good, but implementation would be difficult. "We should be careful not to spoil the environment while implementing the code," he said. He suggested that all stakeholders should participate in dialogue to ensure that both sides were honest and sincere. Surendra Chaudhary, Nepali Congress (NC), told Emboff that Maoist extortion in Kathmandu and his constituency of Parsa District continued despite the Code. He stressed that businesses and industries were "very desperate." He worried that the government was not properly handling the Maoist situation.

Civil Society And Business Worried

18. (C) Rohin Thapaliya, President of the Nepal-German Chamber of Commerce and Industry, told Emboff that the Maoist extortion spree continued unabated in the Kathmandu Valley (ref B). Maoists continued to target hotels, banks, and a large number of industries for extortion despite the Code of Conduct. Subodh Pyakurel, President of local NGO Informal Sector Service Center (INSEC), told Emboff that the 25-point Code of Conduct itself was good but that its effectiveness would depend on implementation. He added that it would take as long as three months for Maoist cadre to "socialize" themselves. He suggested that civil society and the government could do things during that period to motivate the Maoists to implement the Code.

Army Supports Code

19. (U) On May 29, General Pyar Jung Thapa, Chief of Army Staff, said the Nepalese Army (NA) was committed to following the directives of Nepal's government. Addressing Staff College trainees and army officers under the NA's command, Thapa stated the NA was committed to peace-building through talks. Thapa said that NA was "unwaveringly committed" to its "primary responsibility" of protecting "the country's sovereignty, integrity, nationalism and the nation's interests". "In keeping with this, the Nepalese Army is committed to following the directives of Nepal's government which is moving ahead with the objective of creating a prosperous Nepal by strengthening multi-party democracy and lasting peace," Thapa asserted. He also noted that the desire of the "peace-loving people" of the country was to attain lasting peace through talks, and the "army's wish is also undoubtedly favorable toward the people's wishes."

Comment

110. (C) Implementation of the Code of Conduct is key. The Maoists' initial reaction is not encouraging. Unless the Maoists end extortion, it will be difficult for people to believe the Maoists are sincere. End Comment.

111. (U) Full text of Code of Conduct follows.

Begin text. (Unofficial translation)

CODE OF CONDUCT

Preamble

By respecting the people's mandate for complete democracy, progress and desire for peace that was reflected through the historic people's movement; by remaining committed to the Universal Declaration of Human Rights 1948, International

Humanitarian Law, and the basic principles and values of Human Rights; by expressing commitment to abide by the 12-point agreement reached between the Seven Party Alliance and the Maoists; by expressing commitment toward a competitive multi-party system of governance, civil liberty, fundamental rights, human rights, freedom of press; by expressing commitment toward the norms and values including the concept of rule of law; by ensuring the fundamental rights of the Nepalese to participate in the process of formation of the constitution by participating in the election for the Constituent Assembly free of any fear, threat, coercion and violence; and by focusing on democracy, peace, prosperity, progress, social change and freedom, sovereignty, self respect of the nation; and in order to translate the cease-fire agreement signed between the Government of Nepal and CPN Maoists into permanent peace and solve the problem through dialogue, as per the feelings of the Nepalese, the following code of conduct has been issued.

GUARANTEE OF FEARLESS CIVILIAN LIFE

- ¶1. Not to give any public statement that could agitate the other side.
- ¶2. Both sides will not mobilize, display or use armed military to spread terror among the people.
- ¶3. Not to carry out attacks or destructive acts against the army or security organs of one another, not to carry out acts such as setting up mines or ambushes, not to recruit any new people into their respective armies, and not to spy.
- ¶4. Both sides would support one another in maintaining law and order.
- ¶5. To carry out discussions on the basis of mutual agreement on matters relating to the management of arms, ammunition and the armies.

DEVELOPMENT OF AN ENVIRONMENT OF TRUST AMONG THE PEOPLE

- ¶6. Both sides will not be present in combat dress or with arms and ammunition while holding public gatherings, meetings and conferences, functions or political activities.
- ¶7. Both sides will not make any kind of obstruction or exert any mental or physical pressure against political party workers and members and individuals of social institutions who go to any part of the country and publicize their views, hold meetings and conferences, and organizational works.

IN RELATION TO BASIC SERVICES AND DEVELOPMENT CONSTRUCTION WORKS OF THE PEOPLE

- ¶8. Not to hold programs like bandh or chakka jam throughout the cease-fire period. However, meetings and processions can be held peacefully.
- ¶9. To allow basic services and facilities for the people to run smoothly.
- ¶10. No obstruction would be laid in carrying out the regular work of public interest and development construction works peacefully ahead.
- ¶11. Not to prohibit and obstruct the transportation of foodstuff, medicine, development construction materials and daily essential goods.

OPERATION OF EDUCATIONAL INSTITUTIONS, HOSPITALS AND INDUSTRIAL ESTABLISHMENTS

- ¶12. Both sides shall create an environment for regular operation of schools, colleges, universities, hospitals, health centers, and industrial establishments.

COOPERATION FROM THE MEDIA FOR PEACE TALKS

- ¶13. To disseminate information supportive of the cease-fire, the Code of Conduct and the peace process and use polite and courteous language while carrying out political publicity works.
- ¶14. No one shall make statements in the media that are likely to have adverse impact on the talks and the peace process.

NOT TO RAISE DONATION FUNDS FORCIBLY

¶15. Donations and financial assistance in cash or kind or service shall not be collected and mobilized against anyone's will.

RELEASE AND REHABILITATION

¶16. The charges, accusations and cases leveled by both sides on different individuals shall be withdrawn and detainees shall be gradually released.

¶17. The status of disappeared citizens shall be made public as soon as possible.

¶18. Assist individuals displaced from their homes to go back to their homes and lead a peaceful, normal and dignified life and their rehabilitation.

¶19. The property belonging to political party leaders and cadre, and to the general public, seized, locked-out or prevented from being used during the time of the conflict, shall be returned to the individuals or families concerned. Any problems arising regarding the procedures for returning the property shall be resolved through mutual consensus.

TALKS FACILITATION

¶20. Obstruction of any type shall not be created in the travel and activities of individuals from both sides involved in the talks.

MONITORING

¶21. To get national and international monitoring teams to monitor the cease-fire on the basis of the mutual consensus of both sides.

MISCELLANEOUS

¶22. Any disputes regarding the interpretation of the Code of Conduct shall be resolved through consensus between both sides.

¶23. Changes, additions and amendments can be made in this Code of Conduct with the consent of both sides as per the spirit of the preamble.

¶24. This Code of Conduct shall come into force immediately after its signing.

¶25. The Code of Conduct shall be made public after its signing.

End text.

MORIARTY